

Message Text

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ORIGIN STR-07

INFO OCT-01 EUR-12 IO-13 ISO-00 STRE-00 EB-08 SIG-03
EA-10 AGRE-00 CEA-01 CIAE-00 COME-00 DODE-00
FRB-03 H-01 INR-10 INT-05 L-03 LAB-04 NSAE-00
NSC-05 PA-01 CTME-00 AID-05 SS-15 ITC-01 TRSE-00
ICA-11 SP-02 SOE-02 OMB-01 DOE-15 /139 R

DRAFTED BY STR:RLMATTHEISEN:LPP
APPROVED BY STR:WBKELLY,JR.
EB/ITP:WBARRACLOUGH
EUR/RPE:AALBRECHT
-----016026 220316Z /62

P 220015Z JUN 78
FM SECSTATE WASHDC
TO AMEMBASSY BERN PRIORITY
AMEMBASSY HELSINKI PRIORITY
AMEMBASSY LISBON PRIORITY
AMEMBASSY OSLO PRIORITY
AMEMBASSY REYKJAVIK PRIORITY
AMEMBASSY STOCKHOLM PRIORITY
AMEMBASSY VIENNA PRIORITY
INFO USMISSION GENEVA PRIORITY
AMEMBASSY BONN PRIORITY
AMEMBASSY BRUSSELS PRIORITY
AMEMBASSY COPENHAGEN PRIORITY
AMEMBASSY DUBLIN PRIORITY
AMEMBASSY THE HAGUE PRIORITY
AMEMBASSY LONDON PRIORITY
AMEMBASSY LUXEMBOURG PRIORITY
AMEMBASSY PARIS PRIORITY
AMEMBASSY ROME PRIORITY

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USEEC ALSO FOR EMBASSY, USMTN ALSO FOR MISSION
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E.O. 11652: N/A

TAGS: ETRD, MTN

SUBJECT: EC/EFTA RULES OF ORIGIN

1. AT HIGH LEVEL MEETING IN WASHINGTON JUNE 19-20, AMBASSADOR STRAUSS TOLD HAERKAMP, VICE PRESIDENT, COMMISSION OF EUROPEAN COMMUNITY; USHIBA, MINISTER FOR EXTERNAL ECONOMIC AFFAIRS, GOVERNMENT OF JAPAN AND JACK H. WARREN, CANADIAN COORDINATOR FOR THE MULTILATERAL NEGOTIATIONS THAT THE RULES OF ORIGIN IN THE EC/EFTA AGREEMENTS WAS ONE OF THE FOUR KEY ISSUES ON WHICH THE U.S. HAD TO HAVE SATISFACTION IN THE MTN.

2. WHEN THE EC/EFTA FREE-TRADE AREA AGREEMENTS WERE EXAMINED IN GATT IN 1972-3, THE U.S. ARGUED THAT THE RULES OF ORIGIN EMBODIED IN THE AGREEMENTS WERE STRICTER THAN NECESSARY TO PREVENT TRADE DEFLECTION; WERE INCONSISTENT WITH GATT OBLIGATIONS; AND WOULD HAVE A SERIOUS ADVERSE EFFECT ON U.S. TRADE. IN JANUARY 1974, THE U.S. INITIATED FORMAL CONSULTATIONS WITH THE PARTIES TO THE AGREEMENTS PURSUANT TO THE PROCEDURES OF GATT ARTICLE XXII:1. SINCE THEN NUMEROUS DISCUSSIONS HAVE BEEN HELD WITH THE EC COMMISSION AND REPRESENTATIVES OF THE EFTA COUNTRIES IN AN EFFORT TO FIND A SOLUTION TO THIS PROBLEM. THE DISCUSSIONS HAVE NOT PRODUCED SIGNIFICANT RESULTS. IN

NOVEMBER 1977, THE U.S. SUBMITTED A FORMAL REQUEST ON THE ISSUE IN THE MTN UNDER PROCEDURES FOR HANDLING NON-TARIFF MEASURES NOT BEING DEALT WITH MULTILATERALLY.

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3. THE U.S. HAS REQUESTED THE ADOPTION OF AN ALTERNATIVE 50 PERCENT VALUE RULE -- THAT IS, A MANUFACTURER IN AN EC MEMBER STATE, OR IN AN EFTA COUNTRY, SHOULD BE PERMITTED EITHER TO COMPLY WITH EXISTING RULES OF ORIGIN OR USE IMPORTED MATERIALS AND COMPONENTS UP TO 50 PERCENT OF THE VALUE OF HIS FINISHED PRODUCT IN ORDER TO QUALIFY FOR DUTY-FREE TREATMENT WITHIN THE AREA. THIS WAS THE PROCEDURE USED (EXCEPT FOR TEXTILES) IN THE EFTA FREE TRADE AREA AGREEMENT UNTIL THE EC/EFTA AGREEMENTS WERE NEGOTIATED.

4. ELIMINATION OF TARIFFS ON INDUSTRIAL TRADE WITHIN THE EC/EFTA AREA PROCEEDED IN STAGES AND WAS NOT COMPLETED UNTIL MID 1977. THE EFFECTS OF THE RULES OF ORIGIN ON THIRD COUNTRIES' TRADE HAVE INCREASED AS INTERNAL TARIFFS WERE REMOVED. MOREOVER, UNTIL RECENTLY THE RULES OF ORIGIN WERE NOT STRICTLY ENFORCED. IT IS APPARENT THAT WE NOW HAVE PROBLEMS WHERE THE RULES ARE STRICTEST -- IN THE TEXTILE SECTOR, IN MACHINERY AND EQUIPMENT (BTN CHAPTERS 84-92) AND TO SOME EXTENT IN CHEMICALS. THE EC HAS OFFERED TO CONSIDER CHANGES IN THE RULES ON SELECTED PRODUCTS. HOWEVER, THIS IS NOT SUFFICIENT BECAUSE THE

PROBLEM IS A GENERAL ONE REQUIRING A GENERAL SOLUTION. WE HAVE PUT OUR REQUEST IN THOSE TERMS.

5. FOR EFTA ADDRESSEES: GIVEN THE LONG STANDING DISCUSSION OF THIS ISSUE, EFTA GOVERNMENTS SHOULD BE AWARE OF THE IMPORTANCE WE ATTACHED TO IT. FAILURE TO ACHIEVE A RESOLUTION BILATERALLY WITH THE EC MAKES IT ESSENTIAL THAT WE NOW ADDRESS THE RULES OF ORIGIN ISSUE IN THE MTN AS A MATTER OF A HIGH PRIORITY. WE BELIEVE EFTA GOVERNMENTS SHOULD BE AWARE OF THE EMPHASIS AND PRIORITY WE PLACED ON THE ISSUE DURING THE JUNE 19-20 DISCUSSION. AMBASSADORS ARE REQUESTED, THEREFORE, TO REINFORCE ASAP WITH HOST GOVERNMENTS THE POSITION WE TOOK IN WASHINGTON. YOU SHOULD STRESS THE IMPORTANCE WE PLACE ON THIS ISSUE, LIMITED OFFICIAL USE

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THE NEED FOR RESOLUTION IN THE MTN AND URGE THEM TO ADOPT FORTHCOMING POSITIONS. YOU MAY WISH TO NOTE THAT EC COUNCIL MEETING ON JUNE 27 WILL BE LAST OPPORTUNITY FOR DECISION WITHIN THE EC BEFORE JULY 15 AGREEMENT ON MTN.

6. FOR EC CAPITALS: YOU SHOULD BE PREPARED TO TAKE THIS ISSUE UP WITH MEMBER STATES PROMPTLY UPON FUTURE

INSTRUCTIONS.

7. FOR USEC BRUSSELS: DURING DISCUSSIONS IN WASHINGTON PAUL LUYTEN INDICATED THAT EC COMMISSION PLANNED TO SUBMIT TO THE EC COUNCIL A PROPOSAL TO LIBERALIZE THE RULES OF ORIGIN IN BTN CHAPTERS 84-92. ANY INFORMATION REGARDING SUCH A PROPOSAL WOULD BE HELPFUL TO US. VANCE

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: RULES
Control Number: n/a
Copy: SINGLE
Draft Date: 22 jun 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978STATE158629
Document Source: CORE
Document Unique ID: 00
Drafter: RLMATTHEISEN:LPP
Enclosure: ALSO FOR USEEC AND USMTN
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780259-0851
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780630/aaaaazsk.tel
Line Count: 151
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 6f88bf83-c288-dd11-92da-001cc4696bcc
Office: ORIGIN STR
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 04 may 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2245597
Secure: OPEN
Status: NATIVE
Subject: EC/EFTA RULES OF ORIGIN
TAGS: ETRD, MTN
To: BERN HELSINKI MULTIPLE
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/6f88bf83-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014